

Application No. 09/710,192  
Amendment Date January 20, 2004  
Reply to Office Action dated October 29, 2003

**Remarks**

Claims 14-23 and 33-40 are pending.

Claims 14-19, 21-23 and 34-40 stand rejected.

Claim 20 is objected to.

Claims 14-23 and 33-40 are submitted herein for review.

No new matter has been added.

In the Office Action dated October 29, 2003, the Examiner has rejected claims 14-19, 21-23 and 33-40 under 35 U.S.C. § 103(a) as being unpatentable over Bowes et al. (U.S. Patent No. 5,655,151) in view of Kumakiri (U.S. Patent No. 6,219,759). The Examiner has noted that claim 20 would be allowable if re-written in independent form.

Applicants respectfully disagree with the Examiner's rejections and submit the following remarks in response.

In particular, Applicants note that the Kumakiri reference, cited by the Examiner, has a U.S. filing date of November 6, 1998, one month later than the filing date of the present invention's filing date of October 14, 1998. Additionally, although the Kumakiri reference cites to a Japanese priority application filed on November 7, 1997, that application was not laid open for publication in Japan until May 28, 1999, well after the October 14, 1998 filing date of the present application. A copy of the cover page and English abstract of the Japanese Laid-Open Publication is attached in the Appendix for the Examiner's reference.

In view of this, the Kumakiri reference should not be included as prior art against the present application because it was not published or filed in the U.S. prior to the effective filing date of October 14, 1998. Therefore, applicants respectfully request that the rejection of the

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claims under 35 U.S.C. § 103(a) be withdrawn.

Applicants respectfully submit that the pending claims 14-23 and 33-40 are in condition for allowance, the earliest possible notice of which is earnestly solicited. If the Examiner feels that an interview would facilitate the prosecution of this Application they are invited to contact the undersigned at the number listed below.

Respectfully submitted,

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1/20/04

# **APPENDIX I**

# CACHE MEMORY SYSTEM

Patent number: JP11143775  
 Publication date: 1999-05-28  
 Inventor: KUMAKIRI KAZUO  
 Applicant: NEC CORP  
 Classification:  
 - international: G06F12/08  
 - european:  
 Application number: JP19970322068 19971107  
 Priority number(s):

Also published as:

EP0915424 (A2)  
 US6219759 (B1)  
 EP0915424 (A3)

## Abstract of JP11143775

**PROBLEM TO BE SOLVED:** To preliminarily update a cache memory without newly adding any exclusive hardware.

**SOLUTION:** This system is provided with a memory constituted of plural banks, a cache controller 2 having a function for transmitting an update instruction by a command, and a DMA controller 4 having a function for operating data transfer. The cache controller 2 is provided with a command register for receiving a cache update instruction from a central processing unit. At the time of the generation of cache miss, or at the time of detecting that the writing of data in the command register is operated, the cache controller 2 issues an instruction of DMA transfer to the DMA controller 4.

